

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO: 11075 of 2005

Between:

Smt.A.Saroja, W/o.Sriramulu,
Ibrahimpatnam Grampanchayat, Ibrahimpatnam Village & Mandal,
R.R. District.

... PETITIONER

AND

- 1 The Collector, (Panchayat Wing), RR District.
- 2 The Govt. of A.P., rep.by its Secretary Panchayat Raj Department,

Secretariat, Hyderabad.

- 3 The Divisional Panchayat officer, R.R.District, East Division,
Panchayat Raj Department, R.R.District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction mostly one which is in the nature of writ of Mandamus declaring the order in proceedings NO.B2/996/2002, dated 30-04-2005 of the 1st respondent as illegal, irregular, arbitrary, unconstitutional, unjustified and unsustainable and set aside the same holding that petitioner is entitled for continuation as Sarpanch of the Grampanchayat.

Counsel for the Petitioner: MR.P.VEERA REDDY

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court, at the admission stage, made the following:

ORDER:

This writ petition is filed seeking *mandamus* declaring the proceedings No.B2/996/2002 dated 30-04-2005, issued by the first respondent as illegal and arbitrary.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj for the respondents.

3. Challenging the very same proceedings, admittedly, an appeal has been filed by the petitioner before the second respondent, the Government, and the Government should take an appropriate decision, in accordance with law. Hence, the petitioner cannot be permitted to prosecute two parallel proceedings in respect of the same cause of action.

4. Therefore, the writ petition is disposed of with a direction to the second respondent to pass appropriate orders on the appeal filed by the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No order as to costs.

K.C. BHANU, J

May 17, 2005

Glv/Mrr

Copy to. –

1 The Collector, (Panchayat Wing), RR District.

2 The Secretary representing Govt. of A.P., Panchayat Raj Department,
Secretariat, Hyderabad.

3 The Divisional Panchayat officer, R.R.District, East Division,
Panchayat Raj Department, R.R.District.

Two C.C. s to the G.P. for Panchayat Raj & Rural Development, High

Court of A.P., Hyderabad (OUT)

Two C.D. Copies.

*Form-NIC-OGS/*WP {**JA**}